

REMARKS/ARGUMENTS

The applicants have studied the office action mailed November 27, 2009, and have made the changes believed appropriate to place the application in condition for allowance.

Reconsideration and reexamination are respectfully requested.

Claims 11-13 and 36-38 are objected to on the basis of informalities. Claims 11-13 and 36-38 have been amended to correct the dependency of the claims. It is therefore respectfully submitted that the objection to these claims should be withdrawn.

As set forth above, claims have been amended to overcome §112 objections raised for the first time by the Examiner in the latest Office Action. It is respectfully submitted that these amendments will not require a new search or raise new issues for consideration by the Examiner. It is submitted that these amendments place the claims in better form for appeal. These amendments were not presented earlier because they were deemed appropriate to advance prosecution after receipt of the latest Office Action. The Examiner is therefore respectfully requested to enter and consider these amendments after the final rejection.

Claims 1-5, 7-20, 22- 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens, ("TCP/IP Illustrated, Volume 1 "), in view of Aweya et al., (US Patent No. 7,047,312), (hereinafter Aweya) and further in view of Boyd et al., (US Publication No. 2004/0049580).

Claim 1, for example, is directed to a "method for sending data, comprising: establishing an active connection adapted to send packets of data between a host and a destination; receiving from the destination a first window value representing a first quantity of data packets; sending packets of data from said host to said destination; receiving an acknowledgment from said destination for each packet of data received by said destination wherein said first window value represents a limit imposed on said host by said destination on the quantity of data packets sent from said host to said destination and lacking an acknowledgment of being received by destination; limiting the number of packets sent by said host, but not acknowledged as received by said destination, to a second quantity of data packets less than said first window value wherein said second quantity represents a limit imposed by said host on the quantity of data packets sent from said host to said destination and lacking an acknowledgment of being received by destination and wherein said second quantity is a function of the number of active connections of the host; establishing a plurality of active direct memory access connections between said host and a plurality of specified memory locations of a plurality of destinations;

sending a plurality of messages to specified memory locations of the destinations of the direct memory access connections wherein each message comprises a plurality of data packets; receiving message acknowledgments, each message acknowledgment being sent by a destination for each message received by the destination; and establishing a plurality of message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit.”

The Examiner concedes, for example, that:

Stevens does not specifically disclose … establishing a plurality of active direct memory access connections between said host and a plurality of specified memory locations of a plurality of destinations; sending a plurality of messages to specified memory locations of the destinations of the direct memory access connections wherein each message comprises a plurality of data packets; receiving message acknowledgments, each message acknowledgment being sent by a destination for each message received by the destination; and establishing a plurality of message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit.

Instead, it is the Examiner’s position that “Boyd further discloses … establishing a plurality of message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit” citing Boyd, paragraph 122. The applicants respectfully disagree.

It is believed that the Examiner’s citation to the Boyd reference refers to the discussion of a Maximum Remote Direct Memory Access (MRDMA) field 1120 which is described as the “maximum number of outstanding RDMA Read Requests from the remote socket.” It is believed that the term RDMA Read Requests in the context refers to packets, not messages.

Accordingly, it is believed that the cited Maximum Remote Direct Memory Access (MRDMA) field describes maximum number of outstanding read request packets, not messages, from the remote socket.

In response, it is the Examiner's position that:

Boyd discloses limiting the number of packets between devices [Boyd, paragraph 122], and in limiting the number of packets, Boyd is limiting the number of messages [Boyd, paragraphs 5, 9, 48 and 52, these paragraphs discuss that a message is broken up into packets to be sent, and reassembled as a message when received. As such, by limiting the number of packets, the number of messages is limited by the number of packets that can be accepted at that time].

The applicants respectfully disagree. For example, claim 1 includes a *combination of different* limitations, including a first limitation directed explicitly to packets:

... limiting the number of packets sent by said host, but not acknowledged as received by said destination, to a second quantity of data packets less than said first window value wherein said second quantity represents a limit imposed by said host on the quantity of data packets sent from said host to said destination and lacking an acknowledgment of being received by destination and wherein said second quantity is a function of the number of active connections of the host ...

and a plurality of other limitations directed explicitly to messages:

... establishing a plurality of message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit.

Thus, in a method in accordance with one embodiment, a message limitation may be set differently than a packet limitation, for example. Thus various combinations of packet limitations and message limitations may be implemented depending upon conditions.

It is respectfully submitted that the Examiner's citations to a packet limitation feature of the Boyd reference provides no teaching or suggestion of message limitations *in addition to* and *in combination with* a packet limitation. The Examiner's citations to the Aweya reference are similarly deficient.

Accordingly, it is respectfully submitted that the Examiner's citations to the Stevens, Aweya and Boyd references, considered alone or in combination, have no teaching or suggestion of a *combination* which includes, for example, *both* "... limiting the number of packets sent by said host, but not acknowledged as received by said destination, to a second quantity of data packets less than said first window value wherein said second quantity represents a limit imposed by said host on the quantity of data packets sent from said host to said destination and lacking an acknowledgment of being received by destination and wherein said second quantity is a function of the number of active connections of the host ..." and "...establishing a plurality of message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit" as required by claim 1.

Independent claims 15 and 26 may be distinguished in a similar fashion.

The rejection of the dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art. It is therefore respectfully submitted that the rejection of the claims should be withdrawn.

The Examiner has made various comments concerning the anticipation or obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner's comments are deemed moot in view of the above response.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable.
Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact him at (310) 553-7970 if the Examiner believes such contact would advance the prosecution of the case.

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